



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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Honorable John A. Hughes, Secretary  
Delaware Department of Natural Resources and Environmental Control  
89 Kings Highway  
Dover, Delaware 19901

Dear Secretary Hughes:

I am writing to you concerning Delaware's State Implementation Plan (SIP) for demonstrating attainment of the 8-hour national ambient air quality standard for ozone in the Philadelphia nonattainment area. This plan was submitted to the U.S. Environmental Protection Agency (EPA) for review on June 13, 2007. Although our staffs have extensively discussed the contents of this plan, to date, EPA has not taken formal action to approve or disapprove the SIP.

The Clean Air Act and EPA rules for implementation of the 1997 ozone standard require that the attainment demonstration SIP for a moderate area such as the Philadelphia area contain the State's demonstration that the SIP is capable of providing for attainment of the ozone standard by no later than June 15, 2010. This can only be done by projecting (through modeling and other analysis) that the area will achieve ozone levels consistent with the level of the ozone standard by the end of the 2009 ozone season. Such modeling demonstrations are extremely complex and contain some uncertainty in their predictions.

After areas reach their attainment date, achievement of the standard is determined by assessing actual monitoring data from the most recent three years. Because we are now so close to the attainment date, we now believe that attainment will not be achieved by the required moderate area deadline based on air quality measurements from the summers of 2007 and 2008 that exceed the standard by a sizeable amount and also that the area will not meet the requirements for a one-year extension of the attainment date. Therefore, if we are required to take rulemaking action on the SIP, we see no alternative to proposing disapproval of the SIP's attainment demonstration. Please see Attachment A to this letter, which contains the air quality data which leads EPA to its conclusion.

In cases where attainment of the ozone standard cannot be achieved by the required date, the Clean Air Act contains a provision that allows a State to seek a higher classification for the area. Section 181(b)(3) provides for States to request EPA to reclassify a nonattainment area to a higher classification and requires EPA to grant such a request. Such a reclassification will have the effect of allowing for a new attainment date for the area (based on the new classification), which would be established in the new attainment demonstration. In conjunction with EPA's action on the reclassification request, EPA will establish a date for submission of a new

attainment demonstration and any other additional requirements based on the area's new classification. It should be noted, however, that the Clean Air Act requires a State to move forward to adopt and implement (where measures are not yet in place) all RACT (Reasonably Available Control Technology) and other control measures needed to attain the 1997 ozone air quality standard as expeditiously as practicable. In particular, measures planned for the 2009 ozone season should not be delayed.

Please consider making a request to reclassify the Philadelphia nonattainment area to a higher classification. We will need a response from you no later than December 8, 2008, if you are going to make such a request. In the absence of a reclassification request for the Philadelphia area, we intend to propose disapproval of the existing attainment demonstration by no later than January 9, 2009.

As always, please do not hesitate to contact me or Ms. Judith Katz, Region III's Air Protection Division Director, at 215-814-2654 if additional information is needed. I look forward to hearing from you regarding your decision.

Sincerely,



Donald S. Welsh  
Regional Administrator

Enclosures

cc: Mr. Ali Mirzakhali, Program Administrator  
Air Quality Management Section  
Delaware Department of Natural Resources and Environmental Control

Mr. Marcus C. Peacock, Deputy Administrator  
U. S. Environmental Protection Agency

Mr. Robert J. Meyers, Principal Deputy Assistant Administrator  
Office of Air and Radiation  
U. S. Environmental Protection Agency

## Attachment A

### Air Quality Data Which Leads U.S. EPA to Conclude that the Philadelphia-Wilmington-Atlantic City,PA-NJ-MD-DE Ozone Nonattainment Area Will Not Achieve the Ozone NAAQS (0.08 ppm) by the End of the 2009 Ozone Season

Monitoring Site ID	POC	County	State	Preliminary 2006-2008 Design Value as of November 12, 2008 (ppm)	Did this site meet NAAQS as of November 12, 2008?	Number of Days in 2008 Above the 1997 Standard	2006 4th Maximum Value (ppm)	2007 4th Maximum Value (ppm)	2008 4th Maximum Value as of November 12, 2008 (ppm)	Critical Value in 2009 as of November 12, 2008 (ppm)
100010002	1	Kent	Delaware	0.081	Yes	0	0.085	0.078	0.081	0.096
100031007	1	New Castle	Delaware	0.080	Yes	2	0.081	0.081	0.078	0.096
100031010	1	New Castle	Delaware	0.083	Yes	3	0.081	0.086	0.082	0.087
100031013	1	New Castle	Delaware	0.078	Yes	1	0.082	0.077	0.077	0.101
100051002	1	Sussex	Delaware	0.081	Yes	2	0.082	0.081	0.081	0.093
240150003	1	Cecil	Maryland	0.090	No	6	0.092	0.092	0.088	0.075
340070003	1	Camden	New Jersey	0.088	No	4	0.087	0.092	0.085	0.078
340071001	1	Camden	New Jersey	0.086	No	2	0.086	0.091	0.081	0.083
340110007	1	Cumberland	New Jersey	0.081	Yes	1	0.083	0.083	0.079	0.093
340150002	1	Gloucester	New Jersey	0.087	No	6	0.083	0.089	0.090	0.076
340210005	1	Mercer	New Jersey	0.087	No	2	0.090	0.094	0.079	0.082
340290006	1	Ocean	New Jersey	0.087	No	4	0.091	0.086	0.085	0.084
420170012	1	Bucks	Pennsylvania	0.092	No	7	0.087	0.102	0.089	0.064
420290100	1	Chester	Pennsylvania	0.082	Yes	3	0.083	0.081	0.084	0.090
420450002	1	Delaware	Pennsylvania	0.083	Yes	2	0.082	0.086	0.081	0.088
420910013	1	Montgomery	Pennsylvania	0.084	Yes	2	0.084	0.084	0.084	0.087
421010004	1	Philadelphia	Pennsylvania	0.067	Yes	0	0.066	0.073	0.062	0.120
421010014	1	Philadelphia	Pennsylvania	0.065	Yes	0	0.076	0.081	0.040	0.134
421010024	1	Philadelphia	Pennsylvania	0.089	No	5	0.085	0.095	0.087	0.073
421010136	1	Philadelphia	Pennsylvania	0.068	Yes	0	0.081	0.082	0.042	0.131

Number of sites  
exceeding the  
ozone NAAQS  
in 2006-2008

8

#### Source of Data

The 2006 and 2007 monitoring results are based on data already submitted and certified by the respective monitoring agencies to U.S. EPA's Air Quality System data base. The 2008 monitoring result is based on data submitted to the AirNow data system, and is considered preliminary.

#### The Meaning of "Critical Value"

The critical value shown for 2009 is the magnitude of the 4th highest value in 2009 (given the 2007 and 2008 data) that would result in a conclusion that the monitor shows compliance with the ozone NAAQS for 2007-2009. For the nonattainment area to be found to attain, all monitors' 4th highest readings in 2009 must be below their respective critical values.

#### Condition for a One-Year Extension

To be eligible for a one-year extension of the attainment date, the 4th highest value at all monitors in the area during 2009 must be less than 0.085 ppm. EPA judges this to be highly unlikely given the concentrations observed at some monitors in 2007 and 2008.